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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CHRISTIAN M. BURKE,

Plaintiff,

v.

CAPITAL ONE, N.A. aka CAPITAL ONE  
FINANCIAL CORPORATION, aka  
CAPITAL ONE SERVICES, LLC., KOHL's  
DEPARTMENT STORES, INC; EXPERIAN  
INFORMATION SOLUTIONS INC.; and  
EQUIFAX, INC.,

Defendants.

Case No.: 2:17-cv-00494-JAD-CWH

**STIPULATION AND ORDER  
TO SUBSTITUTE PARTY**

ECF No. 21

Plaintiff, CHRISTIAN M. BURKE ("Plaintiff") and Defendant, EQUIFAX, INC. ("Defendant") jointly submit this Stipulation regarding the substitution of EQUIFAX INFORMATION SERVICES LLC as Defendant in place of Defendant EQUIFAX, INC.

WHEREAS, Plaintiff filed an action against the Defendant for alleged violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, et. seq ("FCRA"), and related state law claims on February 17, 2017.

WHEREAS, as information became available during discovery, Plaintiff learned that

1 EQUIFAX, INC, the named Defendant in this action is a holding company for EQUIFAX  
2 INFORMATION SERVICES LLC, and is not a credit reporting agency subject to the FCRA.

3 WHEREAS, counsel for both parties have agreed that EQUIFAX INFORMATION  
4 SERVICES, LLC. is the proper party to this litigation and should be substituted for EQUIFAX,  
5 INC. as a Defendant in the above-captioned matter so that all claims made against EQUIFAX, INC.  
6 are now made against EQUIFAX INFORMATION SERVICES LLC.  
7

8 WHEREAS, the Plaintiff will amend their complaint to reflect EQUIFAX INFORMATION  
9 SERVICES LLC as a Defendant in place of EQUIFAX, INC. in the above-referenced caption.  
10 Defendant does not oppose to the Plaintiff amending their complaint.

11 WHEREAS, by this joint request, the parties move, subject to the approval of the Court, to  
12 dismiss EQUIFAX, INC. from this action and remove EQUIFAX, INC. from the case caption and  
13 replace with EQUIFAX INFORMATION SERVICES LLC.  
14

15 WHEREAS EQUIFAX INFORMATION SERVICES LLC expressly reserves all defenses,  
16 including any statute of limitations defenses.

17 THEREFORE, IT IS HEREBY STIPULATED, by and between the parties to this action  
18 that:

- 19 1. EQUIFAX, INC., shall be dismissed from this case, without prejudice;  
20 2. The caption in this proceeding shall be amended to remove EQUIFAX, INC. as a  
21 defendant and shall be replaced by EQUIFAX INFORMATION SERVICES LLC. as a Defendant;  
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23 ///

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26 ///

27 ///

28

3. EQUIFAX INFORMATION SERVICES LLC expressly reserves all defenses,  
including any statute of limitations defenses.

DATED this 22<sup>nd</sup> day of May, 2017

DATED this 22<sup>nd</sup> day of May, 2017

THE LAW OFFICE OF VERNON NELSON

SNELL & WILMER, LLP

/s/ Vernon A. Nelson

/s/ Bradley T. Austin

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Attorneys for Equifax Information Services LLC

Dated this 22<sup>nd</sup> day of May, 2017.

Dated this 22<sup>nd</sup> day of May, 2017.

SNELL & WILMER L.L.P.

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**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT JUDGE

DATED: 6-1-17

CASE NO: 2:17-cv-00494-JAD-CWH